

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

NATHANIEL BRAXTON,

Plaintiff,

v.

KATSAM ENTERPRISES,

Defendant.

Case No. 4:18-CV01028 JCH

**DEFENDANT KATSAM ENTERPRISES' UNOPPOSED MOTION AND
MEMORANDUM IN SUPPORT FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S COMPLAINT**

Defendant Katsam Enterprises (“Defendant”), by undersigned counsel, pursuant to Fed. R. Civ. P. 6 and E.D.Mo Rule 6-1.05, respectfully requests that this Court grant Defendant a twenty-one (21) day extension of time to file its Answer or otherwise respond to *pro se* Plaintiff’s Complaint, through and including November 20, 2018. In support of this Unopposed Motion, Defendant states as follows:

1. On June 25, 2018, *pro se* Plaintiff filed his Complaint in the United States District Court for the Eastern District of Missouri.
2. The Complaint alleges that *pro se* Plaintiff was terminated in violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990, as well as other alleged factual occurrences in which *pro se* Plaintiff contends he was improperly terminated.

3. Pursuant to Fed. R. Civ. P. 12, Defendant's current deadline to file a responsive pleading or otherwise respond to the Complaint is October 30, 2018¹.

4. Defendant needs additional time to adequately respond to the Complaint.

5. Specifically, Defendant needs additional time to investigate the factual allegations made by *pro se* Plaintiff in his Complaint compared to those made by *pro se* Plaintiff in his prior Charge of Discrimination. The only iteration of the Charge of Discrimination in Defendant's possession contains solely a claim for race discrimination, albeit there were prior issues with Defendant receiving notifications and/or mailings from the Commission.

6. The results of such investigation will affect how Defendant responds to the Complaint.

7. Additionally, the parties are currently engaged in settlement negotiations and have, tentatively, reached an agreement. The parties are currently confirming the expressed terms of the agreement and anticipate that a signed written agreement will be perfected by November 20, 2018.

8. The need for further investigation and the opportunity for the parties to resolve this matter without burdening the court constitute good cause sufficient for an extension.

9. Defendant requests a twenty-one (21) day extension of time to respond to the Complaint, if necessary, through and including November 20, 2018.

10. Undersigned counsel has consulted with *pro se* Plaintiff's counsel this proposed twenty-one (21) day extension, and *pro se* Plaintiff has objection.

¹ Defendant believes it was served with *pro se* Plaintiff's Complaint on or about October 9, 2018.

11. This motion is not being filed to unduly delay litigation in this matter, as there is good cause for such extension.

12. No party will be prejudiced if the Court grants this Motion.

13. This is the first request for extension in this matter.

Wherefore, Defendant Katsam Enterprises respectfully requests that the Court grant a twenty-one (21) day extension of time to respond to *pro se* Plaintiff's Complaint, through and including November 20, 2018, and grant such other relief as Defendant Katsam Enterprises may show itself entitled and the Court deems to be reasonable, appropriate, and just.

Respectfully submitted,

Case Linden P.C.

s/ Jacob L. Kurtz

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Certificate Service

I hereby certify that on October 23, 2018, a true and correct copy of the above and foregoing was served by electronic filing with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to attorneys of record enrolled in the CM/ECF system, and via United States mail to non-enrolled party.

Nathaniel Braxton
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St. Louis, MO 63115
pro se Plaintiff

s/ Jacob L. Kurtz
Jacob L. Kurtz